

**Notice of Allowability**

Application No.

10/091,046

Examiner

Narayanswamy Subramanian

Applicant(s)

CHEN ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/23/2007.
2. ☒ The allowed claim(s) is/are 11, 12, 14, 15, 51-54, 64, 65, 67 and 68.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20070122</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|  | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

1. This communication is in response to Applicant's communications filed on January 23, 2007. Amendments to claims 11, 51 and 64 and cancellation of claims 30-34, 36 and 74-88 have been entered. Claims 11, 12, 14, 15, 51-54, 64, 65, 67 and 68 are pending in this application.

#### ***Allowable Subject Matter***

2. The following is a statement of reasons for the indication of allowable subject matter:

3. The prior art of record (Tarbox et al US Pub. No. 2002/0169701) teaches a method, a machine-readable medium on which has been prerecorded a computer program and a system for automatically rebalancing a portfolio of an investor, the method including the steps of for a first time, determining a human capital of the investor; determining a financial worth of the investor; summing the financial worth of the investor and the human capital to derive a total worth of the investor; determining and storing a ratio; for the first time, recommending an allocation of the assets of the financial worth of the investor between the first and second investment types such that the asset allocation of the total worth of the investor meets or most closely approaches a target allocation; determining how assets in an investment portfolio of the investor ought to be allocated among predetermined investment vehicles based on the last said recommendation of allocation of assets; and allocating the assets among the predetermined investment vehicles based on the determining step.

Even though, the prior art of record teaches the above mentioned steps, the prior art of record fails to teach a method, a machine-readable medium on which has been prerecorded a computer program and a system for automatically rebalancing a portfolio of an investor, the method including the steps of dividing the human capital of the investor into at least first and

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second investment types according to a predetermined formula, the first and second investment types having different degrees of risk and making a target allocation of the total worth of the investor between the first and second investment types according to the predetermined stored ratio.

For these reasons claims 11, 51 and 64 are deemed to be allowable over the prior art of record, and claims 12, 14, 15, 52-54, 65, 67 and 68 are allowed by dependency on an allowed claim.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled Comments on Statement of Reasons for allowance.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Joye et al. (US Pub. No. 2006/0089895 A1) (April 27, 2006) Data Processing System and Method Incorporating Feedback

(b) Tarbox et al. (US Pub. No. 2006/0080199 A1) (April 13, 2006) Systems and Methods for Improving Investment Performance

(c) Burton (US Pub. No. 2002/0052819 A1) (May 2, 2002) Financial Instruments

(d) Mottola et al. (US Patent 5,809,484) (September 15, 1998) Method and Apparatus for Funding Education by Acquiring Shares of Students Future Earnings

(e) Funaki et al. (JP 2004185509 A) (July 2, 2004) Simulation System for Transfer of Defined-Contribution Pension Plan

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dr. N. Subramanian  
Art Unit 3692  
Primary Examiner

February 5, 2007